

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE

JANET LEIGH FRANKLIN,

Plaintiff,

V.

MBNA CORP.,

Defendant.

C.A. No. 04-1513 GMS

TRIAL BY JURY DEMANDED

**APPENDIX TO DEFENDANT MBNA'S OPENING BRIEF IN
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

REDACTED

YOUNG CONAWAY STARGATT & TAYLOR, LLP
Teresa A. Cheek (Bar I.D. No. 2657)
The Brandywine Building, 17th Floor
1000 West Street
P.O. Box 391
Wilmington, DE 19801
Telephone: (302) 571-6676
Facsimile: (302) 576-3286
Email: tchee@ycst.com
Attorneys for Defendant

Dated: August 2, 2006

TABLE OF CONTENTS

	PAGE
Redacted: Entirety of Document Confidential	.....A1
Franklin Deposition Exhibit 1.....	A53
Redacted: Entirety of Document Confidential	.....A54
Redacted: Entirety of Document Confidential	.....A55
Redacted: Entirety of Document Confidential	.....A56
Redacted: Entirety of Document Confidential	....A107
Redacted: Entirety of Document Confidential	....A111
Redacted: Entirety of Document Confidential	....A115
Redacted: Entirety of Document Confidential	....A116
Redacted: Entirety of Document Confidential	....A117
Redacted: Entirety of Document Confidential	....A118
Redacted: Entirety of Document Confidential	....A120
Redacted: Entirety of Document Confidential	....A121
Redacted: Entirety of Document Confidential	....A122
Redacted: Entirety of Document Confidential	....A123
Redacted: Entirety of Document Confidential	....A124
Redacted: Entirety of Document Confidential	....A125
Redacted: Entirety of Document Confidential	....A129

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JANET LEIGH FRANKLIN,)
)
Plaintiff,)
)
v.) C.A. No. 04-1513 GMS
)
MBNA CORP.,)
)
Defendant.)

Deposition of JANET LEIGH FRANKLIN taken pursuant to notice at the law offices of Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17th Floor, 1000 West Street, Wilmington, Delaware, beginning at 9:50 a.m., on Thursday, May 18, 2006, before Kimberly A. Hurley, Registered Merit Reporter and Notary Public.

APPEARANCES:

TERESA A. CHEEK, ESQUIRE
YOUNG CONAWAY STARGATT & TAYLOR, LLP
The Brandywine Building - 17th Floor
1000 West Street
Wilmington, Delaware 19801
for the Defendant

WILCOX & FETZER
1330 King Street - Wilmington, Delaware 19801
(302) 655-0477
www.wilfet.com



WILCOX & FETZER LTD.
Registered Professional Reporters

A1

ORIGINAL

1 Q. That's all right.

2 A. I have taken Dealing With Conflict, Getting
3 Your Message Across, Exceeding Your Customers'
4 Expectations, Taking in Information Effectively, Turning
5 Problems Into Opportunities, Personal Effectiveness,
6 Everyone Sells, Micro Computer Skills, Advanced Microsoft
7 Access 7, Introduction to Microsoft Word 7, Advanced
8 Microsoft Excel 7, Advanced Microsoft Word 7. That's
9 all.

10 Q. Let me see if we can trace your job history
11 with MBNA. Do you know the date on which you started
12 working for MBNA?

13 A. Yes, ma'am, I do.

14 Q. When was it?

15 A. 3/13/90. Actually, it first was SSBA.

16 Q. What was SSBA?

17 A. Southern States Banking Association out of
18 Dallas, Texas.

19 Q. That company was eventually purchased by MBNA?

20 A. Yes. I believe it was purchased in '93 and we
21 moved into MBNA's building in January of '94.

22 Q. What was your position, your first position?

23 A. I worked in the mailroom.

24 Q. Was your title mailex operator?



1 A. Yes.

2 Q. How long did you hold that job?

3 A. Six months.

4 Q. What did you do after that?

5 A. I was promoted to audit clerk.

6 Q. That was in about August 1990?

7 A. I started -- yes. Yes.

8 Q. What did that job involve?

9 A. Collecting the batches from the keyers, going
10 through the batches, making sure that all the checks were
11 encoded correctly. If we found a mistake, we had to go
12 through the register receipt that they printed out and
13 make the correction on the register receipt and also
14 re-encode the check, and then it was collected to put it
15 in a tray.

16 Q. So these checks that you're talking about, are
17 they payments from customers?

18 A. Yes, they were payments from customers.

19 Q. You were sort of proofreading the work of the
20 people that were keying in the information from the
21 checks?

22 A. Yes.

23 Q. For how long did you do that job?

24 A. I did that job for probably till February of



1 '91.

2 Q. In February of '91 what did you do?

3 A. I went into microfilm.

4 Q. What did you do in microfilm?

5 A. We just had to -- if there was a dispute on a
6 person's check where it was keyed for \$3 and it was
7 supposed to have been \$30, we had to go to the microfilm
8 over -- I had to go over to the next building and find
9 that check and bring it up on microfilm and make copies
10 of it. Let me see. Send copies -- we had to make three
11 copies. One went to my manager, one went to the
12 department manager, and one went to the customer.

13 Q. Was your title in that position control clerk?

14 A. Yes.

15 Q. Then how long did you continue to do the
16 control clerk job?

17 A. I was in there for about four months, and then
18 I went to like not a transport operator but logging out
19 the film. I had to list all of the trays of the work and
20 make copies of it for the courier when he came to pick up
21 the trays.

22 Q. Was that mail prep. clerk?

23 A. Yes.

24 Q. That was sometime in 1991 or 1992 that you



1 changed jobs?

2 A. Yes. '92, I believe.

3 Q. How did it come about that you changed jobs?

4 Did you apply for a transfer?

5 A. It was offered to me. My manager approached me
6 and asked me if I would do it.

7 Q. How long did you do the mail prep. clerk job?

8 A. I did it until we moved over to MBNA in '94.

9 Q. Is transport batch operator a different job?

10 A. Transport is where you run all the payments --
11 the cameras on the transport captures the image of the
12 check and the doc on pass 1 and on pass 2 you change the
13 machine and it encodes the checks.

14 Q. So that is a different function, different job.

15 A. Uh-huh.

16 Q. At some point in time did you become a
17 microfilm support representative?

18 A. Yes, I did.

19 Q. Is that also a different job than the ones you
20 have already talked about?

21 A. No. It was basically the same. If they were
22 shorthanded, I also would do that. They would pull me
23 and ask me to go look up a check for them.

24 Q. So that's basically the same job as which,



1 control clerk?

2 A. Yes.

3 Q. In 1994 what did you begin doing?

4 A. When we went over to MBNA, I worked in the
5 mailroom as prep. clerk making sure that all the checks
6 was gathered up and was placed in the tray, carried out
7 to the transport operators for them to run them through
8 the machines, to run pass 1, pass 2, so that they could
9 be taken out to reconciliation to be reconciled before
10 they went out to the courier.

11 Q. Where did the courier take them?

12 A. The courier took them to Philadelphia to -- I
13 believe at that time it was -- trying to think what bank.

14 Q. To the bank for deposit?

15 A. Yes. It was in Philly and the Federal Reserve
16 was right across the street from it. We had a deadline
17 to meet. That's why...

18 Q. Looks like from your records that you were a
19 transport operator?

20 A. Yes.

21 Q. In the mid-'90s?

22 A. Yes. I worked in transport on day shift for a
23 while. I passed out one day and that's when I found out
24 I had an irregular heartbeat. I came back to work,



1 resumed my position in transport, but then I was promoted
2 to production coordinator to the mailroom for second
3 shift.

4 Q. When was that?

5 A. I believe that that was in '96.

6 Q. Was your position then senior support
7 representative?

8 A. Yes.

9 Q. How long did you continue to be the senior
10 support representative?

11 A. I worked there until August of '97.

12 Q. What happened in August of '97?

13 A. I posted for a position over at Deerfield for
14 bankruptcy and got the position and stayed there till
15 August of '98.

16 Q. What was your job title there?

17 A. I'm trying to think what the job title was.
18 All I know was it was bankruptcy. We would go into
19 people's accounts and we would status the accounts,
20 whether it was bankruptcy or lost or stolen. And when I
21 wasn't doing that or we ran out of work, then I would go
22 over to the other areas and help out there.

23 Q. What happened in August of '98?

24 A. There was a position for third-shift transport



1 operator which meant a higher pay grade and more money,
2 and I posted back to payment services.

3 Q. That was August '98?

4 A. Yeah. August of '98, yes.

5 Q. Then you became a transport operator?

6 A. Yes.

7 Q. How long did you continue to work as a
8 transport operator?

9 A. I believe I worked till April. I couldn't get
10 any sleep on third shift, so the manager that I had
11 wanted me to come out to reconciliation, but the same time
12 the manager on first shift had three openings for day
13 shift and I posted for day shift and got it.

14 Q. That was April of '99?

15 A. '99.

16 Q. Day shift transport operator?

17 A. No. Day shift reconciliation.

18 Q. Might that have been in 2000 as opposed to
19 1999?

20 A. It could have been. It could have been 2000.

21 Q. Let me just show you -- I'm not going to mark
22 it as an exhibit.

23 A. Yes.

24 Q. So this is an acknowledgment -- just identify



1 for the record it's Bates No. D167 and it's an
2 acknowledgment indicating that -- it's dated June 8,
3 2000. That's the date you signed it?

4 A. Yes.

5 Q. It's indicating that you're moving from
6 transport operator to reconciliation lead?

7 A. Yes. Thank you.

8 Q. Did you stay in the reconciliation lead position
9 from then until the time that you left?

10 A. Yes, I did.

11 Q. In general, how did you like your position as
12 reconciliation lead?

13 A. I loved it because when I came in, every day
14 was different. You never knew what to expect or what the
15 workload was going to be or if we were going to have any
16 work. But I loved it because it was always different.

17 Q. Can you describe your duties?

18 A. I was considered a floater per my manager
19 because she knew that I could do everything, and I would
20 offer to do it. If I seen that something needed to be
21 done, she didn't need to tell me. I just got up and did
22 it.

23 Q. Your manager was who?

24 A. Judy Currinder.



1 that did 12 noon to 8:30.

2 Q. What did everyone else do?

3 A. Some of them were prime time -- two of them
4 were prime time. The rest of them came in from 10:00 to
5 6:30.

6 Q. What was prime time?

7 A. Prime time was like they only got 30 hours a
8 week.

9 Q. What hours of the day?

10 A. One girl worked 10:00 to 6:30, but she only
11 worked like three days a week or four days a week. The
12 other girl -- no, it was just the one girl at the time.

13 Q. Did you get along well with your coworkers?

14 A. Oh, yes. We all joked and carried on during
15 the day. It made the day go by faster.

16 Q. Did there come a point when you started having
17 trouble getting along with any of your coworkers?

18 A. Yes, I did.

19 Q. Can you tell me about that?

20 A. This is going to be rough.

21 Q. Take your time.

22 A. I had moved my seat -- or when the gentleman
23 started on Tuesdays, I would sit beside one of my
24 girlfriends and she had gotten a computer and she didn't



1 know how to use it, and I was standing -- I came in one
2 day, and our cubicles was maybe waste high, and I was
3 standing in front of her and she was telling me that she
4 had gotten a computer, she didn't know how to log on or
5 anything, and I offered to come over that Sunday, because
6 she worked on Saturday, and show her how to do a little
7 bit on the computer.

8 And we were just talking back and forth,
9 and the girl that sat not directly behind her but kind of
10 kitty-corner, she looked up at me -- and if you don't
11 mind me using these bad words, she looked at me and said,
12 "You son of a bitch" and "mother fucker," and she had
13 cussed me a month before and I went to Judy and told her
14 that Debbie had cussed me, and there was nothing done. I
15 made up my mind that the next time she cussed me, that I
16 would take it to upper management.

17 Q. So when she had cussed at you the month before,
18 is that when you went and told Judy about it?

19 A. Yes.

20 Q. Judy didn't do anything?

21 A. No, she didn't do anything to her.

22 Q. The month before when she cussed at you, what
23 was that, what were the circumstances there?

24 A. I believe I was sitting at my desk doing my



1 work and the girl that sat between us was up in the area
2 of transit, so she could see me across the other cubicle,
3 and she cussed me.

4 Q. What did she say?

5 A. I haven't a clue. I don't remember what she
6 said.

7 Q. This is Debbie Richards that you're talking
8 about?

9 A. Yes.

10 Q. So that was in about August of 2002 that that
11 first incident happened?

12 A. Yes.

13 Q. September 2002 is when the second one happened?

14 A. Yes.

15 Q. Was there any kind of provocation? Had you
16 said something that offended her?

17 A. Joey and I wasn't even talking to her. We were
18 talking among ourselves about her computer. I did look
19 up and notice that she was doing her work, but mostly I
20 was talking to Joey about her computer because it was
21 before my start time.

22 Q. Do you think that she was reacting to being
23 distracted from her work?

24 A. No, because we weren't talking loud. We



1 weren't laughing and carrying on. I was just explaining
2 to her what I would do Sunday and that was basically it.

3 Q. This is September that we're talking about.

4 A. Yes.

5 Q. These comments in September were completely
6 unprovoked, as far as you know?

7 A. Yes.

8 Q. Do you have any idea why she did that?

9 A. Because she had done it to other people and had
10 gotten away with it because they were afraid to turn her
11 in and they knew that the manager wouldn't do anything to
12 her.

13 Q. Why did they think the manager would do
14 nothing?

15 A. Because she had cussed them before.

16 Q. Did you say anything in response to
17 Ms. Richards?

18 A. Yes, I did.

19 Q. What did you say?

20 A. She was talking about my mom, which my mother
21 is passed away, and she said something in reference to
22 "Your mother's in heaven probably turning over in her
23 grave."

24 And I said, "Your mama."



1 And she stood up to go get another tray of
2 work and I said, "You know what they say," I said, "the
3 bigger they are, the harder they fall." And she went
4 back to her seat, and I didn't respond to anything else.
5 I just ignored her and continued talking to Joey.

6 Q. Did you then complain about Ms. Richards?

7 A. My manager wasn't there that day. That was on
8 a Friday. That Monday when I came in, I made up my mind
9 that I was going to take it to upper management.

10 Q. How did you do that?

11 A. I went to Dottie Boyce and told Dottie what had
12 happened and she gave me a piece of paper and asked me to
13 write down word-for-word of what Debbie said, and I did.
14 I came in Tuesday morning. I hadn't had no sleep because
15 of the incident and what I had done. There wasn't much
16 work that day and Lori asked me if I wanted to go home
17 and I said yes.

18 I no sooner got home and I laid down and
19 the phone rings and it's Dottie calling me and she said,
20 "Janet, you have an appointment at 2 o'clock to go talk
21 to Renee Cofee-Williams. Can you be there?"

22 I said, "Yes, I can."

23 Q. This is still on the same Tuesday?

24 A. Yes. Renee at the time was over -- she was



1 manager of Human Resources. So I went in and met with
2 Renee and told her what had happened, and it took a month
3 for the investigation to go through -- for them to finish
4 the investigation.

5 When the investigation came through, Debbie
6 was called to personnel first. I didn't miss her in the
7 room, so I'm not sure what time of day it was. All I
8 know is I was called over to talk to Renee and she had
9 given me a verbal -- Judy went with me. She had given me
10 a verbal warning for six months which meant that if I did
11 anything, didn't keep my productivity up, that they could
12 put me on the next level of warning.

13 Q. Had you ever had a verbal warning before?

14 A. Yes, I believe I have, but it was like, I would
15 say, five years ago.

16 Q. What was the verbal warning for?

17 A. For the five years ago?

18 Q. No. The one that was in 2002.

19 A. Because I responded to Debbie.

20 (Defendant's Deposition Exhibit No. 1 was
21 marked for identification.)

22 BY MS. CHEEK:

23 Q. I have handed you a document that's been marked
24 Defendant's Exhibit 1. Do you recognize that?



1 A. He told me that for me to go and talk to -- at
2 that time he just told me to ignore her, told me to --
3 and I hate to say this, but told me that -- will this be
4 on record because of client and social worker
5 confidentiality because of what he said?

6 Q. I don't know if there is any client-social
7 worker privilege, but you have already disclosed
8 information in your -- to me about that. To the extent
9 there was a privilege, it's gone.

10 A. Okay. He told me, he said, "You have to ignore
11 her." He said, "So she is a fat bitch." He said, "You
12 just have to ignore her."

13 I was crying that day because I wanted
14 help, but he didn't give me the help that I basically
15 wanted. At that time I didn't ask to be moved. I just
16 was hoping that he could do something to help me maybe
17 get moved or have some push with MBNA to move me.

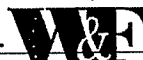
18 Q. When you say "move me," are you talking about
19 transferring to a different job?

20 A. To a different area.

21 Q. To a different area?

22 A. Yes.

23 Q. You wanted to be in a different department or
24 to be in a different building?



1 Q. Did you ever see this e-mail that you're
2 writing about here?

3 A. No.

4 Q. Did Judy say, "I got an e-mail from Renee"?

5 A. Yes, because she would come over and tell me
6 about it.

7 Q. When did that conversation or when did those
8 phone calls take place?

9 A. I can't remember because it was numerous phone
10 calls that I called. I mean, I did what she said. I
11 would call her asking for help, but in turn she would
12 e-mail Judy telling Judy that I had to go through proper
13 channels which meant I had to go through Judy, I had to
14 go through Dottie, and I had to go through Jerry.

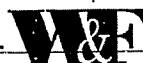
15 Q. Was there any reason why you didn't want to do
16 that?

17 A. I had and they didn't do anything. And I felt
18 with Renee being supervisor of HR and her telling me that
19 if I had a problem to call her, I felt that that's what
20 she meant, to call her.

21 Q. Later on in November you wrote a note to
22 Renee --

23 A. Right.

24 Q. -- about another incident with Debbie.



1 A. Yes.

2 Q. What happened then?

3 A. Robin was in transit and she was making
4 photocopies and Debbie was in transit and they were
5 arguing among themselves.

6 Q. When you say "transit," you're talking about a
7 department?

8 A. Yeah. It's like where they bring out the trays
9 for us to tape up to get ready to be sent out to the
10 courier.

11 Her and Debbie had some words and Robin --
12 I heard Robin say, "Debbie, I'm not in the mood for this
13 today." And Debbie walked away. She walked around the
14 corner and she backed up and stuck her head around the
15 corner and she told Robin to kiss her ass.

16 So she went back to her desk and Robin
17 followed her and Debbie gave Robin the finger. Well, I
18 was debating on writing a note to Renee to let her know
19 that Debbie had not changed, and Judy asked me if I wrote
20 the note and at first I said no because I didn't want to
21 seem to be a tattletale, but I felt that she also knew
22 that Debbie hadn't stopped.

23 So I called her Saturday night and I told
24 her that I had wrote the note. We had a meeting I think



1 that Monday together and she said, "Do you know with that
2 incident, that you can be fired?"

3 Q. Judy said that you could be fired?

4 A. Yes.

5 Q. What was the reason for that?

6 A. For writing a note to Renee.

7 Q. Then what happened?

8 A. That was it. The conversation was over. I
9 went out to my desk and Judy came out and went to her
10 desk.

11 Q. You didn't have any other conversations about
12 that?

13 A. Not to my knowledge. The only thing was she
14 told to me that I could be fired for that incident.

15 Q. Did you have any conversations with
16 Renee Cofee-Williams about the note?

17 A. Yes. I believe I was called over to talk to
18 Renee and I told her that I had wrote the note.

19 Q. What else did you talk about, anything?

20 A. I can't remember.

21 Q. In your notes you say on December 6 -- this is
22 page P6, "Robin K," that's Kelly, right, "and
23 Debbie Richards said something smart." And you said, "I
24 can't take much more of this."



1 Do you know what you're talking about here?

2 A. They had made a remark about me and I felt
3 that, because I had went to Renee with the first
4 incident, everybody was against me, that I felt that I
5 was doing something right and then I felt that they were
6 all against me because I had done this.

7 Q. You mean all of your coworkers?

8 A. All of them.

9 Q. What is the "something smart" that they said?

10 A. I'm trying to think. It was in reference to --

11 Q. Did it have anything to do with listening to
12 Christmas music?

13 A. No. No, it did not. We were listening to
14 Christmas music, but they made a remark to me about
15 something in reference to "We have to be careful what we
16 say," more or less saying that if something was said,
17 that I would go and tell somebody.

18 Q. [REDACTED]
19 [REDACTED]

20 Can you tell me what you meant by that?

21 A. I had to keep everything to myself because not
22 only were they my friends, they were Debbie's friends,
23 too. I couldn't tell them anything that I was feeling
24 because they would go back and tell Debbie and I didn't



1 want to keep it stirred up and trouble going. So I kept
2 it to myself. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6

A. Yes.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

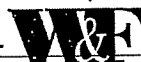
11 Q. You had the feeling that, even though
12 Debbie Richards cussed, people liked her anyway? The
13 same with Tina?

14 A. Tina didn't cuss anyone. She just joined
15 Debbie in the harassment. Except as far as me, she
16 called me a bitch. Her and Debbie called me -- a lot of
17 times called me dog. The shoving, bumping into me, Tina
18 saying that she was going to slap me. Those kind of
19 things.

20 Q. You say you told Shirley. Is that
21 Shirley Wigham?

22 A. Yes.

23 Q. How about "Debbie R bumping into me"? Was it
24 Debbie that was bumping into you when you were breaking



1 down trays or was it Tina or both of them?

2 A. Actually, it was both of them, but this
3 incident was Debbie.

4 Q. Here's your note about Judy saying that you
5 were paranoid and it was all in your head.

6 A. Yes.

7 Q. This is on P7. That was in December or maybe
8 November that she said this to you?

9 A. It had to be in December.

10 Q. December 12, 2002, "Judy had a meeting with me.
11 Told me I could be fired for that incident. I said why I
12 didn't do it in malice, I didn't do it in prejudice and I
13 didn't do it under false pretense."

14 A. Yes.

15 Q. During the discussion that you had with Judy,
16 was there any question raised about whether the incident
17 that you had written the note about really happened?

18 A. Yes, it did.

19 Q. You're saying it did really happen?

20 A. It really did happen.

21 Q. Did you tell Judy in your conversation with her
22 or tell Renee that you weren't sure whether it happened
23 or not?

24 A. Judy wanted me to retract my story because she



1 didn't -- I don't know why she wanted me to retract my
2 story.

3 Q. Did she say why?

4 A. No. She just said something in reference to
5 are you sure about this or -- let me see what else did
6 she say. Or she said, "Tell Renee that you're not for
7 sure about what happened." I don't know if it's because
8 she didn't want to get in trouble or she didn't want
9 Debbie to get in trouble again.

10 Q. Did you tell Renee that you weren't sure?

11 A. Yes, I did.

12 Q. That was because Judy asked you to say that?

13 A. Yes.

14 Q. Did you tell Renee that Judy had asked you to
15 say that?

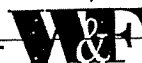
16 A. No, I did not.

17 Q. So when Judy and/or Renee -- I don't know
18 whether Renee told you this or not. Did Renee tell you
19 that you could get in trouble for making up a false
20 report about somebody else?

21 A. Yes, she did.

22 Q. Did you tell her that it wasn't false when she
23 said that?

24 A. I just agreed with her.



1 Q. You said yes, I could get in trouble for making
2 up a false report about someone?

3 A. Yes.

4 Q. Is that why Judy told you you could get fired
5 in connection with the incident?

6 A. Yes.

7 Q. Because of your making a false report, you're
8 admitting you're not sure and that kind of thing?

9 A. Yes. But I know what I seen, I know what I
10 heard, and I didn't want to get fired.

11 Q. So no discipline was imposed on you in
12 connection with that note?

13 A. No, ma'am, it wasn't.

14 Q. Was there any incident around Christmas time
15 involving you bringing in a tape player and playing
16 Christmas music on it?

17 A. I remember on Saturday, when I was working
18 Saturdays before Judy changed my days, I had brought in a
19 tape player and was playing the radio, but this was --
20 this was way before any of this happened.

21 Q. It involved Christmas music?

22 A. No. I don't even think it was around
23 Christmas. I think it was -- it might have been warm
24 weather.



1 Q. Did you have any kind of conflict with
2 coworkers about the music or the tape player?

3 A. They turned my music off and I came back and
4 asked them to leave my radio alone because to me they had
5 no business touching it. I didn't have it real loud.
6 They're the ones that wanted to hear the radio at first.
7 They were just trying to change the stations and I wanted
8 it left alone.

9 Q. Was that when you were still sitting next to
10 Tina -- was it on your desk?

11 A. No. Actually I was -- at that time I was
12 sitting one seat down from Debbie.

13 Q. Did you use any foul language?

14 A. Yes, I did.

15 Q. What kind of foul language did you use?

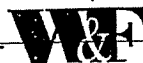
16 A. I told them to keep their hands off my fucking
17 radio.

18 Q. You think that was during the summer maybe?

19 A. Yes, it was in the summer. I don't even think
20 it was anywhere near this.

21 Q. Do you think it was in 2002?

22 A. I couldn't tell you. I can't say yes and I
23 can't say no because I don't know. I don't know when it
24 was.



1 Q. After that incident was there any negative
2 reaction -- was it Debbie that was trying to change the
3 radio or Tina?

4 A. No. Actually it was Joey. I don't think
5 Debbie got up out of her seat.

6 Q. When you say "Joey," that's Joann --

7 A. -- Rogers.

8 Q. Do you think that had anything at all to do
9 with the hostility that Debbie was showing to you?

10 A. No, because that was -- if it was 2002, that
11 was months before and Debbie and I had laughed and
12 carried on after that.

13 Q. So you were getting along fine after that.

14 A. Yes.

15 Q. You have a note in here from January -- it's on
16 top of P8. "Sometime in the middle of January Judy said
17 in 6 mos I could become a unit lead or production
18 coordinator. That I was invaluable to her."

19 A. Yes.

20 Q. That actually happened?

21 A. Yes. Because she knew that everything in that
22 area and the other areas that I could do to get the work
23 done, keep the work running smoothly. Actually, she --
24 what word am I looking for? She more or less scolded me



1 A. No. After everyone had left that evening, most
2 of them were gone by 6:30, Judy and I was in transit and
3 she was sitting there and I was talking to Judy and I was
4 crying, and she said, "It seems to me like you feel
5 guilty for doing this."

6 I said, "I do." I said, "Because if I knew
7 that this was going to happen, I would have never done
8 it."

9 Q. So you think Judy thought that you shouldn't
10 have made an issue in the first place?

11 A. Yes.

12 Q. The next page, P9, you say you went to see

13 [REDACTED]

14 [REDACTED]

15 A. No.

16 [REDACTED]

17 [REDACTED]

18 A. Yes.

19 [REDACTED]

20 [REDACTED]

21 A. Yes.

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Q. What's your sister's name?

A. Gloria.

Q. Gloria?

A. Yes.

Q. Gloria?

A. Brewer.

Q. B-r-e --

A. -- w-e-r.

Q. What's your son's name?

A. Brian.

Q. Brian?

A. Gray.

Q. G-r-a-y?

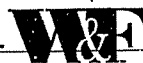
A. Uh-huh.

Q. And your niece's husband's name?

A. Dwayne Roark.

Q. D-u?

A. D-w.



1 Q. a-y-n-e?

2 A. Uh-huh.

3 Q. What's his last name?

4 A. Roark, R-o-a-r-k.

5 Q. What's your niece's name?

6 A. Elizabeth -- actually, her real name is

7 Margaret Elizabeth, but we call her Liz.

8 Q. Are you related in any way to Tina or Debbie?

9 A. No, I'm not. My niece's husband is, Dwayne.

10 Q. Had you been at work that day, the 31st?

11 A. No. I went to -- I was on my way to work.

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 A. It was the 30th.

20 Q. Was it the night of the 30th?

21 A. Uh-huh.

22 [REDACTED]

23 A. No, I wasn't.

24 [REDACTED]



1

2

3

4

5

A. Yes.

6

7

8

9

10

11

12

13

A. Yes.

14

15

16

Q. Did you communicate with anyone at work about that?

17

18

A. Not until -- yes, I did. When I was in Sharon's office, I called work. I believe Lori answered.

19

20

21

22

23

24

